



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

SFUND RECORDS CTR
2110136

August 23, 2004

Barbara A. Kerr
Law Department
CNA
CNA Plaza – Floor 19 South
Chicago, IL 60685-0001

Re: Freedom of Information Act Request 09-RIN-00572-04

Dear Ms. Kerr:

This is in response to your Freedom of Information Act request regarding the Omega Superfund Site and the following:

- the most recent Consent Decree;
- the Administrative Order on Consent;
- the type and volume of hazardous substances that are alleged to have been released at the site;
- the date(s) such substances were allegedly released or discharged; and
- the total amount of damages at the site and Key Air Conditioning's portion of the damages.

Enclosed you will find copies of documents responsive to your request.

In regard to the second request, there are no Administrative Orders on Consent at the Site. As we discussed on the telephone, EPA is sending copies of the Unilateral Administrative Orders issued at the Site instead. As to the fifth request, EPA does not know the total amount of damages to be incurred at the Site. The cost estimate used for *de minimis* settlement purposes is the best estimate of total Site costs at this time and EPA used this cost estimate to estimate Key Air Conditioning's portion of liability at the Site. Key Air Conditioning sent 10.8303 tons out of the total tonnage of wastes (15,096 tons) sent to the Site by identified and viable parties. This places Key Air Conditioning's percentage of liability at 0.07%. Using EPA's *de minimis* settlement offer cost estimate plus a 100% premium, Key Air Conditioning's portion of damages are estimated at \$136,808 (10.8303 tons x \$12,632/ton).

Please contact me at (415) 972-3908, should you have any questions concerning this matter.

Sincerely,

Thanne Cox
Assistant Regional Counsel

cc: Ivry Johnson
Linda Ketellapper
Chris Lichens

- Enclosures:**
1. 2001 Partial Consent Decree; 1995 Unilateral Order, and Amended 1995 Unilateral Order, and First Amended Unilateral Order 9-2004-0004.
 2. General Notice Letter to Key Mechanical Service Company
 3. Section 5 of the Westin Report 2003
 4. Conceptual Cost Estimate for Sitewide Remedial Action.